

HOUSE JOURNAL

SEVENTY-SEVENTH LEGISLATURE, REGULAR SESSION

PROCEEDINGS

FORTY-EIGHTH DAY — WEDNESDAY, APRIL 4, 2001

The house met at 10 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 105).

Present — Mr. Speaker; Alexander; Allen; Averitt; Bailey; Berman; Bonnen; Bosse; Brimer; Brown, B.; Brown, F.; Burnam; Callegari; Capelo; Carter; Chavez; Chisum; Christian; Clark; Coleman; Corte; Counts; Crabb; Craddick; Crownover; Danburg; Davis, J.; Davis, Y.; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Ellis; Farabee; Farrar; Flores; Gallego; Garcia; George; Geren; Giddings; Glaze; Goodman; Goolsby; Gray; Green; Grusendorf; Gutierrez; Haggerty; Hamric; Hardcastle; Hartnett; Hawley; Heflin; Hilderbran; Hill; Hinojosa; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hunter; Hupp; Isett; Janek; Jones, D.; Jones, E.; Jones, J.; Junell; Keel; Keffer; King, P.; King, T.; Kitchen; Kolkhorst; Krusee; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Martinez Fischer; Maxey; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Najera; Nixon; Noriega; Oliveira; Olivo; Pickett; Pitts; Puente; Ramsay; Rangel; Raymond; Reyna, A.; Reyna, E.; Ritter; Sadler; Salinas; Seaman; Shields; Smith; Smithee; Solis; Solomons; Swinford; Talton; Telford; Thompson; Tillery; Truitt; Turner, B.; Turner, S.; Uher; Uresti; Villarreal; Walker; West; Williams; Wilson; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbranek.

Absent, Excused — Cook; Hilbert.

The invocation was offered by Dr. John H. Thompson, Sr., evangelist, Masters Resources Group Ministry, Longview, as follows:

Thank you for life, health, and strength and soundness of mind. Help us to be mindful of the fact that everything rises and falls on leadership. Give these your servants strength for the long days and hours ahead. Grant them wisdom beyond their years. Sharpen their perception and hone their reasoning abilities. Give them Solomon-like discernment to weave their way through the complex and puzzling issues of our day. Grant them "Good Samaritan-like" compassion for the underserved, underinsured, and resource-challenged citizens of our great state. May they have the appropriate blend of beauty and strength, just the right mix of mercy and truth, and the right portion of peace and righteousness that their necessary judgment not be too harsh, and their moments of grace not be too lenient. Grant them Esther-like courage to stand for right, though it may be unpopular or politically incorrect, knowing that you have placed them here for such a time as this. Finally, give them the awareness that one day they will have to give an account to you for each vote rendered.

In Christ's name we pray. Amen.

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for today because of important business in the district:

Cook on motion of Chisum.

CAPITOL PHYSICIAN

The speaker recognized Representative Eiland who presented Dr. Warren T. Longmire of Hitchcock as the "Doctor for the Day."

The house welcomed Dr. Longmire and thanked him for his participation in the Physician of the Day Program sponsored by the Texas Academy of Family Physicians.

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 1).

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, House List No. 26).

HCR 36 - ADOPTED (by Gallego)

Representative Gallego moved to suspend all necessary rules to take up and consider at this time **HCR 36**.

The motion prevailed without objection.

The following resolution was laid before the house:

HCR 36, Honoring Charles Coleman Winn for his philanthropy.

HCR 36 was read and was adopted without objection.

On motion of Representative Geren, the names of all the members of the house were added to **HCR 36** as signers thereof.

INTRODUCTION OF GUESTS

The speaker recognized Representative Gallego, who introduced Charles Coleman Winn and his family.

HR 320 - ADOPTED (by Howard and Crabb)

Representative Howard moved to suspend all necessary rules to take up and consider at this time **HR 320**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 320, Recognizing April 6, 2001, as Tartan Day in Texas.

HR 320 was adopted without objection.

HR 320 was read and was adopted without objection.

HR 626 - ADOPTED
(by Geren)

Representative Geren moved to suspend all necessary rules to take up and consider at this time **HR 626**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 626, Honoring Robert "Bob" Machos, Sr., of Fort Worth for his outstanding service to his community.

HR 626 was read and was adopted without objection.

HR 624 - ADOPTED
(by Geren)

Representative Geren moved to suspend all necessary rules to take up and consider at this time **HR 624**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 624, Honoring the River Oaks Lady Lions Club on its 40th anniversary.

HR 624 was read and was adopted without objection.

HR 683 - ADOPTED
(by Geren)

Representative Geren moved to suspend all necessary rules to take up and consider at this time **HR 683**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 683, Recognizing April 4, 2001, as River Oaks, Sansom Park, and Westworth Village Day at the State Capitol.

HR 683 was read and was adopted without objection.

HR 691 - ADOPTED
(by Goolsby)

Representative Goolsby moved to suspend all necessary rules to take up and consider at this time **HR 691**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 691, Recognizing April 4, 2001, as Chuck Norris Day.

HR 691 was read and was adopted without objection.

INTRODUCTION OF GUEST

The speaker recognized Representative Goolsby, who introduced Chuck Norris. Mr. Norris briefly addressed the house.

HR 703 - ADOPTED
(by Flores)

Representative Flores moved to suspend all necessary rules to take up and consider at this time **HR 703**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 703, In memory of Juan Lozano of Madero.

HR 703 was read and was unanimously adopted by a rising vote.

HR 693 - ADOPTED
(by Gray, Eiland, and Janek)

Representative Gray moved to suspend all necessary rules to take up and consider at this time **HR 693**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 693, Congratulating Dr. Grace Jameson of Galveston on her receipt of the Rabbi Henry Cohen Humanitarian Award from Temple B'Nai Israel.

HR 693 was adopted without objection.

PROCLAMATION BY THE GOVERNOR
OF THE STATE OF TEXAS

The speaker laid before the house and had read the following proclamation by the governor:

OFFICIAL MEMORANDUM
STATE OF TEXAS
OFFICE OF THE GOVERNOR

TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE
SEVENTY-SEVENTH TEXAS LEGISLATURE, REGULAR SESSION:

Pursuant to Article III, Section 5, of the Texas Constitution and in accordance with Rule 8, Section 22, of the House of Representatives Rules of Procedure, I, Rick Perry, Governor of the State of Texas, submit the following emergency matter for immediate consideration by the 77th Legislature, now convened:

House Bill No. 1333, committee substitute, by Junell, as printed and distributed in the House of Representatives on March 29, 2001 as herewith attached.

Respectfully Submitted,
Rick Perry
Governor of Texas

(SEAL)

Henry Cuellar
Secretary of State

Austin, Texas
April 3, 2001

REGULAR ORDER OF BUSINESS SUSPENDED

On motion of Representative Edwards and by unanimous consent, the reading and referral of bills was postponed until just prior to adjournment.

**HR 702 - ADOPTED
(by Truitt)**

Representative Truitt moved to suspend all necessary rules to take up and consider at this time **HR 702**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 702, Welcoming the visiting members of the Southlake Youth Action Commission to the State Capitol on April 4, 2001.

HR 702 was adopted without objection.

**GENERAL STATE CALENDAR
SENATE BILLS
THIRD READING**

The following bill was laid before the house and read third time:

**SB 746 ON THIRD READING
(Hawley, Hardcastle, Swinford, and B. Turner - House Sponsors)**

SB 746, A bill to be entitled An Act relating to an economic development program administered by the Texas Department of Agriculture.

SB 746 was passed.

**GENERAL STATE CALENDAR
SENATE BILLS
SECOND READING**

The following bill was laid before the house and read second time:

**SB 848 ON SECOND READING
(Junell - House Sponsor)**

SB 848, A bill to be entitled An Act relating to crediting interest to a suspense account of the comptroller and transferring accumulated interest from the account.

SB 848 was passed to third reading.

POSTPONED BUSINESS

The following bill was laid before the house as postponed business:

**SB 417 ON SECOND READING
(Bosse - House Sponsor)**

SB 417, A bill to be entitled An Act relating to the creation, powers, and boundaries of certain municipal development districts.

SB 417 was considered in lieu of **HB 693**.

Amendment No. 1

Representative Madden offered the following amendment to **SB 417**:

Amend **SB 417** by striking on page 2, line 4, the period at the end of the sentence and substituting in its place a comma, which is to be followed by: "and said election shall be held on one of the four uniform election dates per Section 41.001, Texas Election Code.", renumbering the subsequent lines, pages, etc., accordingly.

Amendment No. 1 was adopted without objection.

SB 417, as amended, was passed to third reading.

HB 693 - LAID ON THE TABLE SUBJECT TO CALL

Representative Bosse moved to lay **HB 693** on the table subject to call.

The motion prevailed without objection.

**EMERGENCY CALENDAR
HOUSE BILLS
SECOND READING**

The following bill was laid before the house and read second time:

**CSHB 1333 ON SECOND READING
(by Junell)**

CSHB 1333, A bill to be entitled An Act relating to making emergency appropriations.

CSHB 1333 was passed to engrossment.

**CONSTITUTIONAL AMENDMENTS CALENDAR
HOUSE JOINT RESOLUTIONS
SECOND READING**

The following resolution was laid before the house and read second time:

**HJR 82 ON SECOND READING
(by Counts, et al.)**

HJR 82, A joint resolution proposing a constitutional amendment authorizing the Veterans' Land Board to issue additional general obligation bonds and to use certain assets in certain funds to provide for veterans homes and veterans cemeteries and to make certain payments on revenue bonds.

A record vote was requested.

HJR 82 was adopted by (Record 106): 146 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Averitt; Bailey; Berman; Bonnen; Bosse; Brimer; Brown, B.; Brown, F.; Burnam; Callegari; Capelo; Carter; Chavez; Chisum; Christian; Clark; Coleman; Corte; Counts; Crabb; Craddick; Crownover; Danburg; Davis, J.; Davis, Y.; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Ellis; Farabee; Farrar; Flores; Gallego; Garcia; George; Geren; Giddings; Glaze; Goodman; Goolsby; Gray;

Green; Grusendorf; Gutierrez; Haggerty; Hamric; Hardcastle; Hartnett; Hawley; Heflin; Hilderbran; Hill; Hinojosa; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hunter; Hupp; Isett; Janek; Jones, D.; Jones, E.; Jones, J.; Junell; Keel; Keffer; King, P.; King, T.; Kitchen; Kolkhorst; Krusee; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Martinez Fischer; Maxey; McCall; McClendon; McReynolds; Menendez; Merritt; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Najera; Nixon; Noriega; Oliveira; Olivo; Pickett; Pitts; Puente; Ramsay; Rangel; Raymond; Reyna, A.; Reyna, E.; Ritter; Sadler; Salinas; Seaman; Shields; Smith; Smithee; Solis; Solomons; Swinford; Talton; Telford; Thompson; Tillery; Truitt; Turner, B.; Turner, S.; Uher; Uresti; Villarreal; Walker; West; Williams; Wilson; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbranek.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Cook; Hilbert.

Absent — Miller.

STATEMENT OF VOTE

When Record No. 106 was taken, my vote failed to register. I would have voted yes.

Miller

GENERAL STATE CALENDAR HOUSE BILLS THIRD READING

The following bills were laid before the house and read third time:

HB 1772 ON THIRD READING (by Brimer)

HB 1772, A bill to be entitled An Act relating to the approval and financing of sports and community venue projects; providing penalties.

Amendment No. 1

Representative Maxey offered the following amendment to **HB 1772**:

Amend **HB 1772** by striking the following:

- (1) On page 2, line 11, strike "or" and replace with "and".
- (2) On page 2, line 22, strike "or" and replace with "and".
- (3) On page 4, line 22, strike "or" and replace with "and".
- (4) On page 5, line 6, strike "or" and replace with "and".

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative Corte offered the following amendment to **HB 1772**:

Amend **HB 1772** on third reading by striking SECTION 3 of the bill and by inserting the following appropriately numbered SECTIONS to read as follows and renumbering subsequent SECTIONS accordingly:

SECTION___. Subchapter E, Chapter 334, Local Government Code, is amended by adding Section 334.1135 to read as follows:

Sec. 334.1135. REIMBURSEMENT FOR TAX COLLECTION EXPENSES.

(a) Subject to Subsection (b), a municipality or county shall allow a person who is required to collect and remit the tax imposed under this subchapter one percent of the amount collected and required to be remitted as reimbursement to the person for the costs of collecting the tax.

(b) A person required to collect and remit the tax imposed under this subchapter is not entitled to reimbursement under Subsection (a) unless the municipality or county receives the amount required to be collected not later than the 15th day after the end of the collection period. If the 15th day is on a weekend or holiday, the municipality or county must receive the amount required to be collected not later than the first working day after the 15th day. If the person remits the amount required to be collected by mail, the date postmarked by the United States Postal Service is considered to be the date of receipt by the municipality or county.

SECTION ____ Section 334.256, Local Government Code, is amended to read as follows:

Sec. 334.256. NOTICE OF TAX. (a) Each bill or other receipt for a hotel charge subject to the tax imposed under this subchapter must contain a statement in a conspicuous location stating: "_____ (insert name of taxing municipality or county) requires that an additional tax of _____ percent (insert rate of tax) be imposed on each hotel charge for the purpose of financing a venue project. In addition to the tax imposed to finance a venue project, the State of Texas requires that a tax of six percent be imposed on each hotel charge."

(b) If a hotel charge is subject to any additional hotel occupancy taxes, the statement required by Subsection (a) must be modified to state each additional entity that imposes a hotel occupancy tax and the rate of that tax.

Amendment No. 2 was adopted without objection.

HB 1772, as amended, was passed.

HB 1641 ON THIRD READING
(by Rangel)

HB 1641, A bill to be entitled An Act relating to providing certain students with an equal opportunity to enroll in or receive a competitive scholarship for a graduate or professional degree program.

A record vote was requested.

HB 1641 was passed by (Record 107): 83 Yeas, 62 Nays, 2 Present, not voting. (The vote was later reconsidered, and **HB 1641** was passed by Record No. 111.)

Yeas — Alexander; Bailey; Bosse; Brown, F.; Burnam; Capelo; Carter; Chavez; Coleman; Counts; Danburg; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Ellis; Farabee; Farrar; Flores; Gallego; Garcia; Giddings; Glaze; Goolsby; Gray; Gutierrez; Haggerty; Hawley; Hinojosa; Hochberg; Hodge; Homer; Hopson; Hunter; Jones, D.; Jones, J.; Junell; King, T.; Kitchen; Lewis, G.; Longoria; Luna; Martinez Fischer; Maxey;

McClendon; McReynolds; Menendez; Moreno, J.; Moreno, P.; Naishtat; Najera; Noriega; Oliveira; Olivo; Pickett; Puente; Ramsay; Rangel; Raymond; Reyna, A.; Ritter; Sadler; Salinas; Shields; Solis; Telford; Thompson; Tillery; Turner, B.; Turner, S.; Uher; Uresti; Villarreal; Wilson; Wise; Wohlgemuth; Wolens; Yarbrough; Zbranek.

Nays — Allen; Averitt; Berman; Bonnen; Brimer; Brown, B.; Callegari; Chisum; Christian; Clark; Corte; Crabb; Craddick; Crownover; Davis, J.; Delisi; Denny; Driver; Elkins; George; Geren; Goodman; Green; Grusendorf; Hamric; Hardcastle; Hartnett; Heflin; Hilderbran; Hill; Hope; Howard; Hupp; Isett; Janek; Jones, E.; Keel; Keffer; King, P.; Kolkhorst; Krusee; Kuempel; Madden; Marchant; McCall; Merritt; Miller; Mowery; Nixon; Pitts; Reyna, E.; Seaman; Smith; Smithe; Solomons; Swinford; Talton; Truitt; Walker; West; Williams; Woolley.

Present, not voting — Mr. Speaker(C); Lewis, R.

Absent, Excused — Cook; Hilbert.

Absent — Morrison.

STATEMENTS OF VOTE

I was shown voting present, not voting on Record No. 107. I intended to vote yes.

R. Lewis

I was shown voting yes on Record No. 107. I intended to vote no.

Shields

HB 1351 ON THIRD READING (by Brimer)

HB 1351, A bill to be entitled An Act relating to the funding and operation of the universal service fund.

HB 1351 was passed.

HB 1287 ON THIRD READING (by Thompson, Naishtat, Hinojosa, Allen, Hodge, et al.)

HB 1287, A bill to be entitled An Act relating to the establishment of drug court programs and to a study of drug court programs by the Criminal Justice Policy Council.

HB 1287 was passed. (Shields recorded voting no)

(Speaker pro tempore in the chair)

HB 1619 ON THIRD READING (by J. Jones)

HB 1619, A bill to be entitled An Act relating to authorizing county purchasing agents to establish a county purchasing card program.

A record vote was requested.

HB 1619 was passed by (Record 108): 142 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Alexander; Allen; Averitt; Bailey; Berman; Bonnen; Bosse; Brimer; Brown, B.; Brown, F.; Burnam; Callegari; Capelo; Carter; Chisum; Christian; Clark; Coleman; Corte; Counts; Crabb; Craddick; Crownover; Danburg; Davis, J.; Davis, Y.; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Ehrhardt; Eiland; Elkins; Ellis; Farabee; Farrar; Flores; Gallego; Garcia; George; Geren; Giddings; Glaze; Goodman; Goolsby; Gray; Green; Grusendorf; Gutierrez; Haggerty; Hamric; Hardcastle; Hartnett; Hawley; Heflin; Hilderbran; Hill; Hinojosa; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hunter; Hupp; Isett; Janek; Jones, D.; Jones, E.; Jones, J.; Junell; Keel; Keffer; King, P.; King, T.; Kitchen; Kolkhorst; Krusee; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Martinez Fischer; Maxey; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Najera; Nixon; Noriega; Oliveira; Pickett; Pitts; Puente; Ramsay; Rangel; Raymond; Reyna, A.; Reyna, E.; Ritter; Sadler; Salinas; Seaman; Shields; Smith; Smithee; Solis; Solomons; Swinford; Talton; Telford; Thompson; Tillery; Turner, B.; Turner, S.; Uresti; Villarreal; Walker; West; Williams; Wilson; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbranek.

Present, not voting — Mr. Speaker; Uher(C).

Absent, Excused — Cook; Hilbert.

Absent — Chavez; Edwards; Olivo; Truitt.

STATEMENTS OF VOTE

When Record No. 108 was taken, I was in the house but away from my desk. I would have voted yes.

Olivo

When Record No. 108 was taken, I was in the house but away from my desk. I would have voted yes.

Truitt

HB 1241 ON THIRD READING (by Counts)

HB 1241, A bill to be entitled An Act relating to the purchase of diesel fuel by certain persons using a signed statement.

HB 1241 was passed.

HB 606 ON THIRD READING (by Smithee, Uresti, et al.)

HB 606, A bill to be entitled An Act relating to prohibiting certain health benefit plans from requiring the use of hospitalists by participating physicians.

HB 606 was passed.

HB 642 ON THIRD READING
(by Flores and Y. Davis)

HB 642, A bill to be entitled An Act relating to documentation of motor vehicle ownership.

HB 642 was passed.

GENERAL STATE CALENDAR
HOUSE BILLS
SECOND READING

The following bills were laid before the house and read second time:

HB 2255 ON SECOND READING
(by McCall, Tillery, Bosse, Chisum, and Gallego)

HB 2255, A bill to be entitled An Act relating to the continuation and functions of the State Securities Board; providing penalties.

Amendment No. 1

Representative Hartnett offered the following amendment to **HB 2255**:

Amend **HB 2255** by adding the following appropriately numbered section to Article 3 of the bill and renumbering the subsequent sections of the bill appropriately:

SECTION 3.____. Subsection D, Section 33, The Securities Act (Article 581-33, Vernon's Texas Civil Statutes), is amended to read as follows:

D. Rescission and Damages. For this Section 33:

(1) On rescission, a buyer shall recover (a) the consideration he paid for the security plus interest thereon at the legal rate from the date of payment by him, less (b) the amount of any income he received on the security, upon tender of the security (or a security of the same class and series).

(2) On rescission, a seller shall recover the security (or a security of the same class and series) upon tender of (a) the consideration he received for the security plus interest thereon at the legal rate from the date of receipt by him, less (b) the amount of any income the buyer received on the security.

(3) In damages, a buyer shall recover (a) the consideration the buyer [he] paid for the security plus interest thereon at the legal rate from the date of payment by the buyer [him], less (b) the greater of:

(i) the value of the security at the time the buyer [he] disposed of it plus the amount of any income the buyer [he] received on the security; or

(ii) the actual consideration received for the security at the time the buyer disposed of it plus the amount of any income the buyer received on the security.

(4) In damages, a seller shall recover (a) the value of the security at the time of sale plus the amount of any income the buyer received on the security, less (b) the consideration paid the seller for the security plus interest thereon at the legal rate from the date of payment to the seller.

(5) For a buyer suing under Section 33C, the consideration he paid shall be deemed the lesser of (a) the price he paid and (b) the price at which the security was offered to the public.

(6) On rescission or as a part of damages, a buyer or a seller shall also recover costs.

(7) On rescission or as a part of damages, a buyer or a seller may also recover reasonable attorney's fees if the court finds that the recovery would be equitable in the circumstances.

Amendment No. 1 was adopted without objection.

HB 2255, as amended, was passed to engrossment.

HB 1503 ON SECOND READING
(by McCall, Tillery, Bosse, Chisum, and Gallego)

HB 1503, A bill to be entitled An Act relating to the continuation of the State Pension Review Board, to functions performed by the board, and to the funding of the board.

Representative McCall moved to postpone consideration of **HB 1503** until 10 a.m. Wednesday, April 11.

The motion prevailed without objection.

CSHB 472 ON SECOND READING
(by Solomons, Danburg, Woolley, et al.)

CSHB 472, A bill to be entitled An Act relating to the regulation of telemarketing solicitation; providing penalties.

Amendment No. 1

Representatives Tillery and Smithee offered the following amendment to **CSHB 472**:

Amend **CSHB 472** by striking SECTION 3 of the bill (Committee printing, page 17, lines 19-23) and renumbering subsequent SECTIONS appropriately.

(Speaker in the chair)

Representative Solomons moved to table Amendment No. 1.

The motion to table was lost.

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today because of important business in the district:

Wilson on motion of Pickett.

CSHB 472 - (consideration continued)

A record vote was requested.

Amendment No. 1 was adopted by (Record 109): 87 Yeas, 55 Nays, 2 Present, not voting.

Yeas — Alexander; Bailey; Bosse; Burnam; Callegari; Capelo; Chavez; Chisum; Coleman; Corte; Counts; Danburg; Davis, J.; Davis, Y.; Deshotel; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Ellis; Farabee; Farrar; Flores; Gallego; Garcia; Glaze; Goodman; Gray; Gutierrez; Hardcastle; Hartnett;

Hawley; Hill; Hinojosa; Hochberg; Hodge; Hope; Hopson; Jones, J.; Junell; Keffer; Kitchen; Lewis, G.; Longoria; Luna; Martinez Fischer; Maxey; McClendon; McReynolds; Menendez; Moreno, J.; Moreno, P.; Mowery; Naishtat; Najera; Nixon; Noriega; Oliveira; Olivo; Pickett; Pitts; Puente; Ramsay; Rangel; Raymond; Reyna, A.; Ritter; Sadler; Salinas; Smithee; Solis; Swinford; Telford; Thompson; Tillery; Truitt; Turner, B.; Turner, S.; Uher; Uresti; Villarreal; Walker; Wise; Wolens; Yarbrough; Zbranek.

Nays — Allen; Averitt; Berman; Bonnen; Brimer; Brown, B.; Brown, F.; Carter; Christian; Clark; Crabb; Craddick; Crownover; Delisi; Denny; Driver; Elkins; George; Geren; Goolsby; Green; Grusendorf; Haggerty; Hamric; Heflin; Hilderbran; Howard; Hunter; Hupp; Isett; Janek; Jones, D.; Jones, E.; Keel; King, P.; King, T.; Kolkhorst; Krusee; Kuempel; Lewis, R.; Madden; Marchant; McCall; Merritt; Miller; Morrison; Reyna, E.; Shields; Smith; Solomons; Talton; West; Williams; Wohlgemuth; Woolley.

Present, not voting — Mr. Speaker(C); Dukes.

Absent, Excused — Cook; Hilbert; Wilson.

Absent — Giddings; Homer; Seaman.

STATEMENTS OF VOTE

When Record No. 109 was taken, my vote failed to register. I would have voted no.

Homer

When Record No. 109 was taken, I was in the house but away from my desk. I would have voted no.

Seaman

Amendment No. 2

Representative Farabee offered the following amendment to **CSHB 472**:

Amend **CSHB 472** on page 8, between lines 6 and 7, by inserting the following:

(d) On the request of a telemarketer, the commission shall provide for dissemination of the no-call list in Braille format.

Amendment No. 2 was withdrawn.

Amendment No. 3

Representative Dukes offered the following amendment to **CSHB 472**:

Amend **CSHB 472** as follows:

(1) On page 6, line 20, strike "TEXAS NO-CALL LIST" and substitute "NO-CALL LISTS".

(2) On page 8, strike line 7 and substitute:

Sec. 43.102. IN-HOUSE NO-CALL LIST. (a) An entity who maintains an in-house no-call list shall add the name, address, and telephone number of each consumer in this state who requests to be on the list. The entity shall add this information not later than the 60th day after the date of the request

and shall notify the consumer by mail, on request, that the information has been added to the list. A consumer is considered to make a request for the information to be included on the list if the consumer makes the request to the entity directly or to any telemarketer making telemarketing calls on behalf of the entity.

(b) If an entity who maintains an in-house no-call list receives from a telemarketer who makes telemarketing calls on the entity's behalf notification that a consumer has made a request under this section, the entity shall provide the consumer's name, address, and telephone number to each other telemarketer who makes telemarketing calls on the entity's behalf.

Sec. 43.103. TELEMARKETING OF PERSONS ON NO-CALL LIST:

(3) On page 8, line 11, after the period, add: "A telemarketer may not make a telemarketing call to a telephone number on an in-house no-call list maintained by the telemarketer or by an entity on behalf of whom the telemarketer is making the call.".

(4) On page 9, line 18, between "list" and "is", insert "or an in-house no-call list".

(5) On page 10, line 10, strike "43.103" and substitute "43.104".

(6) On page 10, line 20, between "list" and "is", insert "or an in-house no-call list".

(7) On page 10, line 21, strike "43.102" and substitute "43.103".

(8) On page 10, line 25, after "lists", add "and in-house no-call lists".

(9) On page 11, line 7, strike "43.104" and substitute "43.105".

(10) On page 11, line 11, strike "43.105" and substitute "43.106".

(11) On page 17, line 27, strike "43.103" and substitute "43.104".

Amendment No. 3 failed of adoption.

CSHB 472, as amended, was passed to engrossment. (Corte and Shields recorded voting no)

CSHB 472 - REASON FOR VOTE

I voted "no" on passage of **HB 472** because the bill creates unfair competition by regulating only in-state telemarketing companies; portions of the bill are unenforceable; exemptions to the bill will result in nuisance calls continuing and complaints against legitimate companies will be filed; and other states' programs modeled like this one have proven to be ineffective.

Corte

CSHB 6 ON SECOND READING

(by **Dunnam, Smith, Olivo, Hardcastle, Dutton, et al.**)

CSHB 6, A bill to be entitled An Act relating to open-enrollment charter schools.

(Speaker pro tempore in the chair)

Amendment No. 1

Representatives Grusendorf, R. Lewis, and Wilson offered the following amendment to **CSHB 6**:

Amend **CSHB 6** by striking all below the enacting clause and substituting the following:

SECTION 1. Subchapter D, Chapter 12, Education Code, is amended by adding Sections 12.1161 and 12.121 to read as follows:

Sec. 12.1161. DECLARATION OF EMERGENCY STATUS. (a) The commissioner may declare emergency status as to an open-enrollment charter school if the commissioner determines that conditions at the school warrant that action. The commissioner may declare emergency status based on evidence of:

- (1) low levels of academic achievement at the school;
- (2) financial improprieties at the school;
- (3) conditions that present a danger to the health, safety, or welfare of students at the school; or
- (4) other serious problems at the school.

(b) If the commissioner declares emergency status as to an open-enrollment charter school, the commissioner may immediately take necessary action to correct the conditions, including:

- (1) replacing the governing body of the school;
- (2) replacing the administration of the school;
- (3) restructuring the school's teaching staff; or
- (4) closing the school.

(c) An action of the commissioner under Subsection (b) is subject to ratification by the State Board of Education at the board's next meeting after the action is taken. If the board does not ratify the commissioner's action, the person operating the open-enrollment charter school may appeal the commissioner's action under Section 7.057. Pending the outcome of the appeal, the person must abide by the commissioner's action.

(d) This section expires September 1, 2003.

Sec. 12.121. CHARTER SCHOOL TASK FORCE. (a) The governor shall appoint a task force to study issues relating to the governance of open-enrollment charter schools. The task force must include educators and administrators employed by open-enrollment charter schools and researchers and policy analysts familiar with those schools.

(b) The study must address:

- (1) which entity should be responsible for issuing charters for open-enrollment charter schools;
- (2) the process that should be used to screen and select from among the applicants for charters for open-enrollment charter schools;
- (3) the types and severity of problems existing with current open-enrollment charter schools and methods that could be used to avoid those problems;

(4) the manner in which open-enrollment charter schools should be held accountable;

(5) the best method for dealing with persons operating open-enrollment charter schools who do not meet the governance standards established for those schools; and

(6) the manner in which other states deal with the governance of similar charter schools.

(c) Not later than December 1, 2002, the task force shall report its findings to the governor and the legislature. This section expires January 31, 2003.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2001.

Representative Dunnam moved to table Amendment No. 1.

A record vote was requested.

The motion to table prevailed by (Record 110): 87 Yeas, 56 Nays, 2 Present, not voting.

Yeas — Alexander; Averitt; Bailey; Bosse; Burnam; Capelo; Chavez; Chisum; Coleman; Counts; Danburg; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Ellis; Farabee; Farrar; Flores; Gallego; Garcia; Geren; Giddings; Glaze; Goodman; Goolsby; Gray; Gutierrez; Hardcastle; Hawley; Hinojosa; Hochberg; Hodge; Homer; Hopson; Jones, D.; Jones, J.; Junell; Keffer; Kitchen; Lewis, G.; Longoria; Luna; Martinez Fischer; Maxey; McCall; McClendon; McReynolds; Menendez; Merritt; Moreno, J.; Moreno, P.; Naishtat; Najera; Noriega; Olivo; Pickett; Pitts; Puente; Ramsay; Rangel; Raymond; Reyna, A.; Ritter; Sadler; Salinas; Smith; Solis; Swinford; Telford; Thompson; Tillery; Truitt; Turner, B.; Turner, S.; Uresti; Villarreal; Walker; West; Wise; Wolens; Yarbrough; Zbranek.

Nays — Allen; Berman; Bonnen; Brimer; Brown, B.; Brown, F.; Callegari; Carter; Christian; Clark; Corte; Crabb; Craddick; Crownover; Davis, J.; Delisi; Denny; Driver; Elkins; George; Green; Grusendorf; Haggerty; Hamric; Hartnett; Heflin; Hilderbran; Hill; Hope; Howard; Hunter; Hupp; Isett; Janek; Jones, E.; Keel; King, P.; Kolkhorst; Krusee; Kuempel; Lewis, R.; Madden; Marchant; Miller; Morrison; Mowery; Nixon; Reyna, E.; Seaman; Shields; Smith; Smithee; Solomons; Talton; Williams; Wohlgemuth; Woolley.

Present, not voting — Mr. Speaker; Uher(C).

Absent, Excused — Cook; Hilbert; Wilson.

Absent — King, T.; Oliveira.

Amendment No. 2

Representative Grusendorf offered the following amendment to **CSHB 6**:
Amend **CSHB 6** as follows:

On page 3, at the end of Section 12.1015(b), add new sections "(c) Section 12.1015(a) does not apply to the grant of a charter by the State Board of Education to a governmental entity.

(d) Chapter 12, Section 12.101(b), Texas Education Code, shall not apply to the issuance of a charter to a governmental entity."

Representative Dunnam moved to table Amendment No. 2.

The motion to table prevailed.

Amendment No. 3

Representative Burnam offered the following amendment to **CSHB 6**:

Amend **CSHB 6** by inserting the following SECTIONS, appropriately numbered, and renumbering the subsequent SECTIONS accordingly:

SECTION _____. Section 25.088, Education Code, is amended to read as follows:

Sec. 25.088. SCHOOL ATTENDANCE OFFICER. The school attendance officer may be selected by:

- (1) the county school trustees of any county; ~~[or]~~
- (2) the board of trustees of any school district or the boards of trustees of two or more school districts jointly; or
- (3) the governing body of an open-enrollment charter school.

SECTION _____. Section 25.089(a), Education Code, is amended to read as follows:

(a) An attendance officer may be compensated from the funds of the county, ~~[or the]~~ independent school district, or open-enrollment charter school, as applicable.

SECTION _____. Section 25.090, Education Code, is amended to read as follows:

Sec. 25.090. ATTENDANCE OFFICER NOT SELECTED. (a) In those counties and independent school districts where an attendance officer has not been selected, the duties of attendance officer shall be performed by the school superintendents and peace officers of the counties and districts.

(b) If the governing body of an open-enrollment charter school has not selected an attendance officer, the duties of attendance officer shall be performed by the peace officers of the county in which the school is located.

(c) Additional compensation may not be paid for [the] services performed under this section.

SECTION _____. Sections 25.093(f) and (g), Education Code, are amended to read as follows:

(f) A fine collected under this section shall be deposited as follows:

(1) one-half shall be deposited to the credit of the operating fund of, as applicable:

- (A) the school district in which the child attends school;
- (B) the open-enrollment charter school the child attends; or
- (C) ~~[of]~~ the juvenile justice alternative education program that the child has been ordered to attend~~[-as applicable];~~ and

(2) one-half shall be deposited to the credit of:

(A) the general fund of the county, if the complaint is filed in the county court or justice court; or

(B) the general fund of the municipality, if the complaint is filed in municipal court.

(g) At the trial of any person charged with violating this section, the attendance records of the child may be presented in court by any authorized employee of the school district or open-enrollment charter school, as applicable.

SECTION _____. Section 25.095(a), Education Code, is amended to read as follows:

(a) A school district or open-enrollment charter school shall notify a student's parent in writing if, in a six-month period, the student has been absent without an excuse five times for any part of the day. The notice must state

that if the student is absent without an excuse for 10 or more days or parts of days in a six-month period:

(1) the student's parent is subject to prosecution under Section 25.093; and

(2) the student is subject to prosecution under Section 25.094.

Amendment No. 3 was adopted without objection.

Amendment No. 4

Representative Averitt offered the following amendment to **CSHB 6**:

Amend **CSHB 6** as follows:

(1) On page 1, between lines 3 and 4, insert the following:

SECTION 1. Section 8.002, Education Code, is amended to read as follows:

Sec. 8.002. PURPOSE. Regional education service centers shall:

(1) assist school districts and open-enrollment charter schools in improving student performance in each region of the system;

(2) enable school districts and open-enrollment charter schools to operate more efficiently and economically; and

(3) implement initiatives assigned by the legislature or the commissioner.

SECTION 2. Section 8.003(b), Education Code, is amended to read as follows:

(b) The commissioner shall adopt rules to provide for the local selection, appointment, and continuity of membership of regional education service center boards of directors. The rules must provide that if 500 or more students residing within the service center region attend open-enrollment charter schools, the commissioner shall appoint a representative of an open-enrollment charter school located within the region to serve on the board of directors.

SECTION 3. Sections 8.051, 8.053, and 8.054, Education Code, are amended to read as follows:

Sec. 8.051. CORE SERVICES AND SERVICES TO IMPROVE PERFORMANCE. (a) Each regional education service center shall use funds distributed to the center under Section 8.121 to develop, maintain, and deliver services identified under this section to improve student, ~~and~~ school district, and open-enrollment charter school performance.

(b) Each regional education service center shall annually develop and submit to the commissioner for approval a plan for improvement. Each plan must include the purposes and description of the services the center will provide to:

(1) campuses identified as low-performing based on the indicators adopted under Section 39.051, including campuses of open-enrollment charter schools;

(2) the lowest-performing campuses in the region, including campuses of open-enrollment charter schools; and

(3) other campuses, including campuses of open-enrollment charter schools.

(c) Each regional education service center shall provide services that enable school districts and open-enrollment charter schools to operate more efficiently and economically.

(d) Each regional education service center shall maintain core services for purchase by school districts, ~~[and] campuses, and open-enrollment charter schools and campuses of those schools~~. The core services are:

(1) training and assistance in teaching each subject area assessed under Section 39.023;

(2) training and assistance in providing each program that qualifies for a funding allotment under Section 42.151, 42.152, 42.153, or 42.156;

(3) assistance specifically designed for a school district rated academically unacceptable under Section 39.072(a) or a campus or open-enrollment charter school whose performance is considered unacceptable based on the indicators adopted under Section 39.051;

(4) training and assistance to:

(A) teachers;

(B)[:] administrators of school districts, campuses, and open-enrollment charter schools;

(C)[:] members of district boards of trustees and of governing bodies of open-enrollment charter schools;[:] and

(D) members of site-based decision-making committees;

(5) assistance specifically designed for a school district that is considered out of compliance with state or federal special education requirements, based on the agency's most recent compliance review of the district's special education programs; and

(6) assistance in complying with state laws and rules.

Sec. 8.053. ADDITIONAL SERVICES. In addition to the services provided under Section 8.051 and the initiatives implemented under Section 8.052, a regional education service center may:

(1) offer any service requested and purchased by any school district, ~~[or] campus, or open-enrollment charter school~~ in the state; and

(2) contract with a public or private entity for services under this subchapter, including the provision of continuing education courses and programs for educators.

Sec. 8.054. PROHIBITION ON REGULATORY FUNCTION. A regional education service center may not perform a regulatory function regarding a school district or open-enrollment charter school. This section does not prohibit a regional education service center from offering training or other assistance to a school district or open-enrollment charter school in complying with a state or federal law, rule, or regulation.

SECTION 4. Section 8.101, Education Code, is amended to read as follows:

Sec. 8.101. PERFORMANCE STANDARDS AND INDICATORS. The commissioner shall establish performance standards and indicators for regional education service centers that measure the achievement of the objectives in Section 8.002, including performance standards and indicators that evaluate the assistance provided to open-enrollment charter schools. Performance standards and indicators must include the following:

(1) student performance in districts and open-enrollment charter schools served;

(2) district and open-enrollment charter school effectiveness and efficiency in districts and open-enrollment charter schools served resulting from technical assistance and program support;

(3) direct services provided or regionally shared services arranged by the service center which produce more economical and efficient school operations;

(4) direct services provided or regionally shared services arranged by the service center which provide for assistance in core services; and

(5) grants received for implementation of state initiatives and the results achieved by the service center under the terms of the grant contract.

SECTION 5. Subchapter A, Chapter 12, Education Code, is amended by amending Section 12.001 and adding Section 12.0011 to read as follows:

Sec. 12.001. PURPOSES OF CHAPTER. (a) The purposes of this chapter are to:

(1) improve student learning;

(2) increase the choice of learning opportunities within the public school system;

(3) create professional opportunities that will attract new teachers to the public school system;

(4) establish a new form of accountability for public schools; and

(5) encourage different and innovative learning methods.

(b) This chapter shall be applied in a manner that ensures the fiscal and academic accountability of persons holding charters issued under this chapter. This chapter may not be applied in a manner that unduly regulates the instructional methods or pedagogical innovations of charter schools.

Sec. 12.0011. ALTERNATIVE METHOD OF OPERATION. As an alternative to operating in the manner generally provided by this title, an independent school district, a school campus, or an educational program may choose to operate under a charter in accordance with this chapter.

(2) On page 21, line 9, between "ADMISSION." and "For", insert "(a)".

(3) On page 21, strike lines 15-17 and substitute the following:

(2) on receipt of more acceptable applications for admission under this section than available positions in the school:

(A) fill the available positions by lottery; or

(B) subject to Subsection (b), fill the available positions in the order in which applications received before the application deadline were received.

(b) An open-enrollment charter school may fill applications for admission under Subsection (a)(2)(B) only if the school published a notice of the opportunity to apply for admission to the school. A notice published under this subsection must:

(1) state the application deadline; and

(2) be published in a newspaper of general circulation in the community in which the school is located not later than the seventh day before the application deadline.

(4) On page 26, strike lines 22-26 and substitute the following:

(c) The governing body of an open-enrollment charter school shall provide for appeals to the governing body or its designee concerning student expulsions.

(5) Renumber the sections of the bill accordingly.

Amendment No. 4 was adopted without objection.

Amendment No. 5

Representative Averitt offered the following amendment to **CSHB 6**:

Amend **CSHB 6** as follows:

(1) On page 11, between lines 16 and 17, insert the following:

(b) An open-enrollment charter school is entitled to funds that are available to school districts from the agency or the commissioner in the form of grants or other discretionary funding unless the statute authorizing the funding explicitly provides that open-enrollment charter schools are not entitled to the funding.

(2) On page 11, line 17, strike "(b)" and substitute "(c)".

(3) On page 12, line 2, strike "(c)" and substitute "(d)".

(4) On page 27, line 26, strike "12.106(b)(3)" and substitute "12.106(c)(3)".

(5) On page 38, between lines 4 and 5, insert the following new sections, appropriately numbered, and renumber the subsequent sections accordingly:

SECTION _____. Subchapter A, Chapter 46, Education Code, is amended by adding Section 46.012 to read as follows:

Sec. 46.012. APPLICABILITY TO OPEN-ENROLLMENT CHARTER SCHOOLS. An open-enrollment charter school is not entitled to an allotment under this subchapter.

SECTION _____. Subchapter B, Chapter 46, Education Code, is amended by adding Section 46.036 to read as follows:

Sec. 46.036. APPLICABILITY TO OPEN-ENROLLMENT CHARTER SCHOOLS. An open-enrollment charter school is not entitled to an allotment under this subchapter.

Amendment No. 5 was adopted without objection.

CSHB 6, as amended, was passed to engrossment. (Heflin, Marchant, Shields, and Williams recorded voting no)

HB 1460 ON SECOND READING
(by Williams)

HB 1460, A bill to be entitled An Act relating to use of certain terms by cemeteries.

Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative Averitt, Representative Williams offered the following amendment to **HB 1460**:

Amend **HB 1460** on page 1, line 9, after the term "endowment care", by inserting "or any other term which suggests "perpetual care" or "endowment care" standards".

Amendment No. 1 was adopted without objection.

HB 1460, as amended, was passed to engrossment.

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today because of important business:

Junell on motion of Alexander.

HB 1573 ON SECOND READING
(by Thompson)

HB 1573, A bill to be entitled An Act relating to the establishment of a retirement system for officers and employees of certain municipalities and of the retirement system and the transfer of credit from one retirement system to the established system.

HB 1573 was passed to engrossment.

CSHB 1975 ON SECOND READING
(by Hunter)

CSHB 1975, A bill to be entitled An Act relating to certain cemeteries operated by a nonprofit cemetery corporation.

CSHB 1975 was passed to engrossment.

HB 3097 ON SECOND READING
(by Counts)

HB 3097, A bill to be entitled An Act relating to the security provided for revenue bonds issued by the Veterans' Land Board.

HB 3097 was passed to engrossment.

HB 2771 ON SECOND READING
(by Flores)

HB 2771, A bill to be entitled An Act relating to certain surcharges imposed by the Texas Alcoholic Beverage Commission.

HB 2771 was passed to engrossment.

HB 2220 ON SECOND READING
(by Martinez Fischer)

HB 2220, A bill to be entitled An Act relating to the authorized use of an unmarked vehicle by a municipal employee to conduct a fraud investigation.

Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative Callegari, Representative Martinez Fischer offered the following committee amendment to **HB 2220**:

Amend **HB 2220** on page 1, line 15 immediately after "employee", by adding the following: only when

Amendment No. 1 was adopted without objection.

HB 2220, as amended, was passed to engrossment.

CSHB 1723 ON SECOND READING
(by Seaman, Keffer, B. Turner, Counts, and Ramsay)

CSHB 1723, A bill to be entitled An Act relating to the creation of a county employment development board in certain counties to develop programs for rural economic assistance for career training; authorizing a tax.

Representative Seaman moved to postpone consideration of **CSHB 1723** until the end of the calendar today.

The motion prevailed without objection.

CSHB 772 ON SECOND READING
(by Haggerty and Allen)

CSHB 772, A bill to be entitled An Act relating to the eligibility of certain offenders for medically recommended intensive supervision and the provision of facilities for those offenders.

CSHB 772 was passed to engrossment.

HB 84 ON SECOND READING
(by Gallego)

HB 84, A bill to be entitled An Act relating to the offense of the unlawful possession of metal or body armor by a felon.

HB 84 was passed to engrossment.

CSHB 1365 ON SECOND READING
(by Goodman)

CSHB 1365, A bill to be entitled An Act relating to the establishment, modification, and enforcement of child support.

Amendment No. 1

Representative Goodman offered the following amendment to **CSHB 1365**:

1. Page 15, lines 6-7:

Strike "a claim or potential right to the proceeds from an estate as an heir, beneficiary, or creditor".

2. Page 39, lines 13-17:

Strike "A dispute of a matter stated in a payment record produced by the state disbursement unit shall be resolved by deposition on written interrogatories and does not require other testimony by a representative of the state disbursement unit".

Amendment No. 1 was adopted without objection.

CSHB 1365, as amended, was passed to engrossment.

HB 1103 ON SECOND READING
(by Yarbrough)

HB 1103, A bill to be entitled An Act relating to an action by the Texas Workforce Commission to collect certain debts of an acquired employer from the successor employer.

HB 1103 was passed to engrossment.

HB 1989 ON SECOND READING
(by Hamric)

HB 1989, A bill to be entitled An Act relating to the authority of a judge of a statutory county court to hear certain alcoholic beverage permit or license applications.

HB 1989 was passed to engrossment.

CSHB 1098 ON SECOND READING
(by Bonnen)

CSHB 1098, A bill to be entitled An Act relating to the collection of taxes on printed materials distributed by mail.

CSHB 1098 was passed to engrossment.

CSHB 1100 ON SECOND READING
(by R. Lewis)

CSHB 1100, A bill to be entitled An Act relating to the presumption that certain vessels and other watercraft are located in this state only temporarily for ad valorem tax purposes.

CSHB 1100 was passed to engrossment.

POSTPONED BUSINESS

The following bill was laid before the house as postponed business:

CSHB 1723 ON SECOND READING
(by Seaman)

CSHB 1723, A bill to be entitled An Act relating to the creation of a county employment development board in certain counties to develop programs for rural economic assistance for career training; authorizing a tax.

CSHB 1723 was read second time earlier today and was postponed until this time.

Amendment No. 1

Representative Counts offered the following amendment to **CSHB 1723**:

Amend **CSHB 1723** by adding the following appropriately numbered SECTIONS to the bill and renumbering the subsequent SECTIONS of the bill appropriately:

SECTION _____. Sections 4A(f) and (m), Development Corporation Act of 1979 (Article 5190.6, Vernon's Texas Civil Statutes), are amended to read as follows:

(f) On receipt of the proceeds of the sales and use tax imposed under this section from the comptroller, the city shall deliver the proceeds to the corporation to use in carrying out its functions. Tax proceeds may be used to pay the principal of, interest on, and other costs relating to the corporation's bonds, but neither the bonds nor any instrument related to the bonds may give a bondholder a right to demand payment from tax proceeds in excess of those collected from the tax imposed by this section. Tax proceeds may also be used to:

(1) pay expenses incurred by the corporation under Section 38 of this Act relating to job training; or

(2) provide funding to a county employment development board created under Chapter 386, Local Government Code, for any purpose authorized by that chapter.

(m) In an election to adopt the tax under this section, the ballot shall be printed to provide for voting for or against the proposition: "The adoption of a sales and use tax for the promotion and development of new and expanded business enterprises and job or career training at the rate of _____ of one percent" (one-eighth, one-fourth, three-eighths, or one-half to be inserted as appropriate).

SECTION _____. Section 4B(g), Development Corporation Act of 1979 (Article 5190.6, Vernon's Texas Civil Statutes), is amended to read as follows:

(g) On receipt of the proceeds of the sales and use tax imposed under this section from the comptroller, the eligible city shall deliver the proceeds to the corporation. Tax proceeds may be used to:

(1) pay the costs of projects of the types added to the definition of that term by Subsection (a) of this section; [or]

(2) pay the principal of, interest on, and other costs relating to bonds or other obligations issued by the corporation to pay the costs of the projects or to refund bonds or other obligations issued to pay the costs of projects; or

(3) provide funding to a county employment development board created under Chapter 386, Local Government Code, for any purpose authorized by that chapter.

SECTION _____. The changes in law made by this Act to Sections 4A(f) and 4B(g), Development Corporation Act of 1979 (Article 5190.6, Vernon's Texas Civil Statutes), apply to any tax proceeds used by a development corporation on or after the effective date of this Act, without regard to when the tax was imposed or collected.

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative Counts offered the following amendment to **CSHB 1723**:

Amend **CSHB 1723** as follows:

(1) On page 3, line 5, strike "and".

(2) On page 3, line 8, after "level:", insert "and".

(3) On page 3, between lines 8 and 9, insert:

"(E) develop and fund, or assist institutions of higher education in developing and funding, training and educational programs for nurses;".

Amendment No. 2 was adopted without objection.

CSHB 1723, as amended, was passed to engrossment. (Chisum, Corte, and Swinford recorded voting no)

HB 1641 - VOTE RECONSIDERED

Representative Gallego moved to reconsider the vote by which **HB 1641** was passed.

The motion to reconsider prevailed.

HB 1641 ON THIRD READING**(by Rangel)**

HB 1641, A bill to be entitled An Act relating to providing certain students with an equal opportunity to enroll in or receive a competitive scholarship for a graduate or professional degree program.

A record vote was requested.

HB 1641 was passed by (Record 111): 119 Yeas, 17 Nays, 3 Present, not voting.

Yeas — Alexander; Allen; Averitt; Bailey; Berman; Bosse; Brimer; Brown, B.; Brown, F.; Burnam; Callegari; Capelo; Carter; Chavez; Chisum; Coleman; Counts; Danburg; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Elkins; Ellis; Farabee; Farrar; Flores; Gallego; Garcia; George; Geren; Giddings; Glaze; Goodman; Goolsby; Gray; Gutierrez; Haggerty; Hamric; Hardcastle; Hawley; Hinojosa; Hochberg; Hodge; Homer; Hope; Hopson; Hunter; Janek; Jones, D.; Jones, E.; Jones, J.; Keel; Keffer; King, P.; King, T.; Kitchen; Kolkhorst; Krusee; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Marchant; Martinez Fischer; Maxey; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Najera; Nixon; Noriega; Oliveira; Olivo; Pickett; Pitts; Puente; Ramsay; Rangel; Raymond; Reyna, A.; Reyna, E.; Ritter; Sadler; Salinas; Seaman; Smith; Smithee; Solis; Swinford; Talton; Telford; Thompson; Tillery; Truitt; Turner, B.; Turner, S.; Uresti; Villarreal; Walker; West; Williams; Wise; Wohlgemuth; Wolens; Yarbrough; Zbraneck.

Nays — Christian; Clark; Corte; Crabb; Crownover; Davis, J.; Delisi; Denny; Green; Hartnett; Heflin; Hill; Howard; Isett; Madden; Shields; Woolley.

Present, not voting — Mr. Speaker; Hilderbran; Uher(C).

Absent, Excused — Cook; Hilbert; Junell; Wilson.

Absent — Bonnen; Craddick; Driver; Eiland; Grusendorf; Hupp; Solomons.

STATEMENTS OF VOTE

When Record No. 111 was taken, I was temporarily out of the house chamber. I would have voted no.

Bonnen

When Record No. 111 was taken, I was temporarily out of the house chamber. I would have voted no.

Hupp

I was shown voting yes on Record No. 111. I intended to vote no.

Keffer

HR 695 - ADOPTED**(by G. Lewis)**

Representative G. Lewis moved to suspend all necessary rules to take up and consider at this time **HR 695**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 695, Honoring Shirley Knox-Benton of Fort Worth on being named Texas High School Principal of the Year.

HR 695 was adopted without objection.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Civil Practices, 3 p.m. instead of 2 p.m. today, E2.026, to consider posted bills.

Land and Resource Management, Subcommittee on Airport Zoning, upon recess today, Desk 95, for a formal meeting, to consider **HB 9**, **HB 2050**, and **HB 2052**.

Land and Resource Management, Subcommittee on Deed Restrictions, upon recess today, Desk 95, for a formal meeting, to consider **HB 2683** and **HB 3479**.

Elections, ½ hour after recess today, scheduled meeting room, for a public hearing, to consider all posted and pending bills.

County Affairs, 2:45 p.m. today, E1.026, for a public hearing.

Insurance, upon recess today, E2.020, for a public hearing, to consider pending bills.

Insurance, Subcommittee on Health Mandates, upon recess/adjournment of insurance committee meeting today, E2.020, for a public hearing, to consider health mandate bills.

Economic Development, 30 minutes after recess today, E2.028, for a public hearing.

Select Committee on Teacher Health Insurance, 6 p.m. today, E2.036, for a public hearing, to consider pending matters.

Ways and Means, on final recess today, E2.010, for a public hearing.

RULES SUSPENDED

Representative Sadler moved to suspend the 5-day posting rule to allow the Select Committee on Teacher Health Insurance to meet at 6 p.m. today.

The motion prevailed without objection.

BILLS AND JOINT RESOLUTIONS ON FIRST READING AND REFERRAL TO COMMITTEES RESOLUTIONS REFERRED TO COMMITTEES

Bills and joint resolutions were at this time laid before the house, read first time, and referred to committees. Resolutions were at this time laid before the house and referred to committees. (See the addendum to the daily journal, Referred to Committees, List No. 1.)

RECESS

Representative Giddings moved that the house recess until 10 a.m. tomorrow in memory of Dr. Martin Luther King, Jr.

The motion prevailed without objection.

The house accordingly, at 2:43 p.m., recessed until 10 a.m. tomorrow.

ADDENDUM

REFERRED TO COMMITTEES

The following bills and joint resolutions were today laid before the house, read first time, and referred to committees, and the following resolutions were today laid before the house and referred to committees. If indicated, the chair today corrected the referral of the following measures:

List No. 1

HB 3667 (By Cook), Relating to assistance to certain volunteer fire departments and to the imposition of a tax to finance that assistance.

To Agriculture & Livestock.

HB 3668 (By Pitts), Relating to the financing of certain homes.

To Financial Institutions.

HB 3669 (By Pitts), Relating to application of certain insurance premium financing law to a retail installment transaction involving a motor vehicle.

To Financial Institutions.

HB 3670 (By D. Jones), Relating to the election and qualifications of directors of the Lubbock County Water Control and Improvement District No. 1.

To Natural Resources.

HCR 234 (By Swinford), Urging congress to recognize the importance of the development of the Ports-to-Plains Corridor.

To Transportation.

HCR 235 (By Delisi), Commending the Women in Government organization and encouraging each state agency and state education institution to take action to achieve improved and equal access for women to health care.

To Public Health.

HCR 236 (By Dutton), Honoring Shelton Smith of Houston for his professional contributions.

To Rules & Resolutions.

HCR 237 (By Counts), Designating the Double Mountain Fork of the Brazos River in southern Stonewall County as a site of unique value for the construction of a reservoir.

To Natural Resources.

HR 688 (By Hochberg), In memory of Mary Edith Marshall of Houston.
To Rules & Resolutions.

HR 689 (By Hochberg), In memory of Dr. Thomas F. Burks II of Houston.
To Rules & Resolutions.

HR 690 (By Hodge), In memory of Zinnie B. Lewis of Dallas.
To Rules & Resolutions.

HR 692 (By Counts), Recognizing April 10, 2001, as Big Spring Day at the State Capitol.
To Rules & Resolutions.

HR 694 (By G. Lewis), Honoring Dunbar High School basketball coach Robert Hughes of Fort Worth on his coaching success at the McDonald's All-American High School Basketball Game.
To Rules & Resolutions.

HR 696 (By G. Lewis), Honoring the Reverend and Mrs. Sterling Lands of Austin on the occasion of their 17th anniversary with Greater Calvary Baptist Church.
To Rules & Resolutions.

SB 184 to Human Services.

SB 218 to Public Education.

SB 266 to Public Education.

SB 272 to Financial Institutions.

SB 353 to Higher Education.

SB 365 to Land & Resource Management.

SB 385 to Public Education.

SB 485 to State Affairs.

SB 507 to Business & Industry.

SB 545 to Transportation.

SB 595 to Public Health.

SB 596 to Public Education.

SB 757 to State Affairs.

SB 769 to Juvenile Justice & Family Issues.

SB 774 to Judicial Affairs.

SB 814 to Criminal Jurisprudence.

SB 1015 to Energy Resources.

SB 1206 to Corrections.

SB 1325 to Public Safety.

SB 1671 to Public Education.

SCR 28 to State Recreational Resources.

SIGNED BY THE SPEAKER

The following bills and resolutions were today signed in the presence of the house by the speaker:

House List No. 26**HCR 182, HCR 188****MESSAGES FROM THE SENATE**

The following messages from the senate were today received by the house:

Message No. 1**MESSAGE FROM THE SENATE****SENATE CHAMBER**

Austin, Texas

Wednesday, April 4, 2001

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

I am directed by the Senate to inform the House that the Senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:**HB 1747** McCall SPONSOR: Zaffirini

Relating to the continuation and functions of the office of the fire fighters' pension commissioner and the membership of the board of trustees of the Texas statewide emergency services personnel retirement fund.

HCR 230 Homer SPONSOR: Ratliff

In memory of the Honorable Charles H. Neeley of Paris.

HCR 231 Homer SPONSOR: Ratliff

Designating March 29, 2001, as Paris-Lamar County Day at the Capitol.

HJR 1 McCall SPONSOR: Zaffirini

Proposing a constitutional amendment providing for a four-year term of office for the fire fighters' pension commissioner.

SB 180 Fraser

Relating to disposition by counties of motor vehicle registration fees and sales tax revenue.

SB 249 Lucio

Relating to the membership of the Texas Transportation Commission.

SB 324 Brown, J. E. "Buster"

Relating to applications and fees for underground injection well permits.

SB 430 Shapiro

Relating to creation of the Texas School Safety Center.

SB 586 Ogden

Relating to the creation of the Center for Transportation Safety as part of the Texas Transportation Institute.

SB 604 Sibley

Relating to the effect of disclosure by certain state governmental bodies of information that is confidential by law or excepted from public disclosure under the public information law.

SB 734 Duncan

Relating to a report by the Legislative Budget Board on the performance of the state's major investment funds.

SB 888 Ogden

Relating to enforcement of motor vehicle weight restrictions.

SB 889 Ogden

Relating to the operation of certain overweight vehicles on a highway; providing penalties.

SB 974 Wentworth

Relating to the eligibility of a high school graduate for automatic admission to an institution of higher education.

SB 1154 Shapleigh

Relating to information included on the Internet website of the Texas Department of Transportation.

SB 1194 Wentworth

Relating to the protection of bats; providing a penalty.

SB 1595 Bivins

Relating to financial assistance for certain persons seeking certification as public school teachers, including revisions to the Teach for Texas grant program, and to loan repayment assistance for certain classroom teachers.

Respectfully,

Betty King

Secretary of the Senate

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

April 3

Agriculture & Livestock - **HB 2586, HB 2604**

Business & Industry - **HB 1201, HB 1514, HB 2033, HB 2163, SB 591**

County Affairs - **HB 10, HB 1091, HB 1892, HB 2525, HB 3315**

Criminal Jurisprudence - **HB 1745**

Economic Development - **HB 820, HB 1082, HB 1307, HB 1592, HB 2029, HB 2074**

Environmental Regulation - **HB 3040**

Financial Institutions - **HB 1684, HB 3064, HB 3357, HJR 81, HJR 97**

Human Services - **HB 43, HB 1001, HB 1758, HB 3550, SB 52, SB 53, SB 168**

Judicial Affairs - **HB 534, HB 535, HB 952, HB 1451, HB 1715, HB 2112, HB 2152, HB 2788, HB 3134, HB 3175, HB 3179, HB 3356, HCR 104, HJR 60, SB 181**

Land & Resource Management - **HB 819**

Licensing & Administrative Procedures - **HB 217, HB 430, HB 784, HB 892, HB 965, HB 1193, HB 2337, SB 584, SB 714**

Natural Resources - **HB 2379, HB 2571, HB 2994, HB 3159, HB 3544, HB 3626**

State, Federal & International Relations - **HCR 176**

Ways & Means - **HB 490, HB 1194**

ENGROSSED

April 3 - HB 533, HB 906, HB 946, HB 1059, HB 1245, HB 1430, HB 1515

ENROLLED

April 3 - HCR 182, HCR 188